

*REASONS for Passing the Bill for Regulating Proceedings in the Crown-Office.
Humbly Offered to the Parliament.*

TH E Grievances occasioned by the said Office, as now managed, are too many to be enumerated; nor need they, they have been so Universal. But some few Reasons are here Offered against Appropriating the Business of Defendants in certain Counties to one particular Clerk in the said Office, which will best appear by Answering the Objections made to the said Bill.

Objection 1. *That such Divisions have been time out of mind: And that the Clerks in their several Divisions do make out Process pro Rege gratis, and have no Reward, but to be employd by the Defendants brought in by such Process.*

Answer. Such Process is the proper Care and Business of the Clerk of the Crown (their Master:) And what they do therein is for him, and by his Direction. And until within these sixty Years, or thereabouts, as by the Records of the said Office may appear, no Clerk did ever pretend to a Right to any Division, or to be employed by all Defendants against whom he made out Process: But the Defendants were at the same Liberty, as Prosecutors to employ what Clerks they pleased, as Attorneys, to appear, plead, and transact for them.

And there is no Reason the Defendant should reward the Clerk that so prosecutes him, by being confined to employ him. The Inconvenience of such Confinement will appear by considering this single Instance, which is the constant daily Practice.

The Clerk for *Surrey* Exhibits and Files an Information in *Cornwall*; (and tho the Prosecutor be convinced the Defendant is innocent, or there wants proof to go on to Tryal yet) the Clerk for *Cornwall* (and not the Prosecutor's Clerk) by Process compels the Defendant to come in and employ him, and pay such Fees as he'll Exact, or else in four Terms Outlaws such Defendant, who is thereupon hurried to Prison (which is often the first Notice of these Proceedings.) And then must be brought up from *Cornwall* to appear in person, and employ, in Reversing his Outlawry, and in Discharging him, this same *Cornwall* Clerk, and pay eight Pounds, or what more he'll Extort.

By which Practice their Majesties Process is made use of not so much to bring the Defendants to Answer such Informations (for upon paying this Clerk his Fees, they are of Course Discharged) but rather (as such Clerks themselves alledge) to obtain a Reward for this Clerk.

To the great Oppression of their Majesties Subjects, which might in great measure be prevented, were the Defendants at Liberty as formerly; for they presume to exact upon, and abuse the Defendants, because they cannot leave the Clerk of such County, and employ another.

These Clerks will not thereby be deprived of just Fees or Profits, only they must depend upon their Diligence and Honesty, instead of their Divisions.

The Process need not thereby be neglected; for these Clerks will have the same Encouragement to make them forth, for the Defendant must employ some one, tho not confined to any one in particular.

In all just Prosecutions the Prosecutor will see Process made forth, or if that be not thought sufficient, the Clerk, who files an Information, may be obliged, under pain, to make out Process thereupon.

Object. 2. *That such Clerks are only to enter the Appearances, Pleas and Discharges of Defendants.*

Answer. They have an Order, that no one shall transact, or any way intermeddle for the Defendants, but by the Clerk of the County, by which such Clerks are to be employed.

out Proceſs: But the Defendants were at the ſame Liberty, as Proſecutors to employ what Clerks they pleaſed, as Attorneys, to appear, plead, and tranſact for them.

And there is no Reason the Defendant ſhould reward the Clerk that ſo proſecutes him, by being confined to employ him. The Inconvenience of ſuch Confinement will appear by conſidering this ſingle Inſtance, which is the conſtant daily Practice.

The Clerk for *Surrey* Exhibits and Files an Information in *Cornwall*; (and tho the Proſecutor be convinced the Defendant is innocent, or there wants proof to go on to Tryal yet) the Clerk for *Cornwall* (and not the Proſecutor's Clerk) by Proceſs compels the Defendant to come in and employ him, and pay ſuch Fees as he'll Exact, or elſe in four Terms Outlaws ſuch Defendant, who is thereupon hurried to Priſon (which is often the firſt Notice of theſe Proceedings.) And then muſt be brought up from *Cornwall* to appear in perſon, and employ, in Reverting his Outlawry, and in Diſcharging him, this ſame *Cornwall* Clerk, and pay eight Pounds, or what more he'll Extort.

By which Practice their Maſtieties Proceſs is made uſe of not ſo much to bring the Defendants to Answer ſuch Informations (for upon paying this Clerk his Fees, they are of Courſe Diſcharged) but rather (as ſuch Clerks themſelves alledge) to obtain a Reward for this Clerk.

To the great Oppreſſion of their Maſtieties Subjects, which might in great meaſure be prevented, were the Defendants at Liberty as formerly; for they preſume to exact upon, and abuſe the Defendants, becauſe they cannot leave the Clerk of ſuch County, and employ another.

Theſe Clerks will not thereby be deprived of juſt Fees or Profits, only they muſt depend upon their Diligence and Honesty, inſtead of their Diviſions.

The Proceſs need not thereby be neglected; for theſe Clerks will have the ſame Incouragement to make them forth, for the Defendant muſt employ ſome one, tho not confined to any one in particular.

In all juſt Proſecutions the Proſecutor will ſee Proceſs made forth, or if that be not thought ſufficient, the Clerk, who files an Information, may be obliged, under pain, to make out Proceſs thereupon.

Object. 2. *That ſuch Clerks are only to enter the Appearances, Pleas and Diſcharges of Defendants.*

Answer. They have an Order, that no one ſhall tranſact, or any way intermeddle for the Defendant in the ſaid Office, but the Clerk of the proper Diviſion, by which ſuch Clerks ingroſſes the whole management of ſuch Cauſes, exact many extravagant Fees for drawing ſpecial Pleas, diſcharging Proceſs, and for Sollicitations.

Object. 3. *That ſuch Clerks have a right and free hold in their Diviſions.*

Answer. If they have, it ought to appear by Deed, or upon Record. To neither of which do they pretend, nor are they ſworn therein. But the Clerk of the Crown alone hath that Evidence, or is taken notice of in as Officer in Court.

Object. 4. *The Curſitors and Philazers and other Officers have the like Diviſions.*

Answer. The Curſitors, &c. are admitted to their Offices upon Record, and have Free Hold therein. 2. They only make Out-Writs for Plaintiffs, and are not employed by Defendants.

And this Caſe may plainly be diſtinguiſhed from theirs, by declaring in the ſaid Bill that appropriating Counties in this Office is an Innovation againſt Right and Juſtice, and that the ſaid Clerks have no Free Hold nor Right in, or to the ſaid Diviſions.

Object. 5. *Any aggrieved may complain to the Maſter of the Office, Judges, &c. and have the Clerk puniſhed.*

Answer. It is apparent theſe Grievances do continue and increaſe, notwithſtanding theſe Remedies, and if they are put in execution, what a Comfort is it for a Man to run this Gantelope of Sufferings, to be at laſt revenged of his Tormentor. And therefore if that may be remedied in the Cauſe by prevention, which cannot in the Effect by Puniſhment. It is hoped that may be a ſufficient Reason to Paſs this Bill.

Object. 6. *This Bill is Promoted by the Young Clerks in the ſaid Office.*

Answer. This Bill appears to be of publick Concern by the Reasons herein Offered.